


Exhibit 5

From: Smith, Kyle ksmith@paulweiss.com 
Subject: RE: MDL 3084 - Letter re Uber's Obligations under Judge Cisneros' 1.9.24 Order & PTO5
Date: February 9, 2024 at 5:12 PM
To: Roopal Luhana Luhana@chaffinluhana.com, Michael Sweet sweet@chaffinluhana.com, Phillips, Jessica E jphillips@paulweiss.com, Ray, Christine Mullen cray@paulweiss.com
Cc: Sarah London slondon@lchb.com, Rachel Abrams rabrams@peifferwolf.com, Marlene Goldenberg mgoldenberg@nighgoldenberglaw.com, Layne Hilton lhilton@meyerwilson.com, Bret Stanley bstanley@kherkhergarcia.com, Beth Wilkins Wilkins@chaffinluhana.com, Michael Sweet sweet@chaffinluhana.com, Steven Cohn cohn@chaffinluhana.com

Counsel:

Uber has not failed to comply with the orders of the Court. As I said below, we will be responding to the letter you sent regarding the submission of information made in response to the January 9, 2024 order, and we look forward to further conferrals on those issues. That response will address what you refer to as "other ESI issues" and well the assertions you have made with respect to the information provided in response to the January 9 order.

We look forward to further discussion on these issues, and will be in touch next week to respond to the correspondence you sent on January 29.

Thank you, and have a nice weekend,
Kyle

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From: Roopal Luhana <Luhana@chaffinluhana.com>
Sent: Friday, February 9, 2024 5:08 PM
To: Smith, Kyle <ksmith@paulweiss.com>; Michael Sweet <sweet@chaffinluhana.com>; Phillips, Jessica E <jphillips@paulweiss.com>; Ray, Christine Mullen <cray@paulweiss.com>
Cc: Sarah London <slondon@lchb.com>; Rachel Abrams <rabrums@peifferwolf.com>; Marlene Goldenberg <mgoldenberg@nighgoldenberglaw.com>; Layne Hilton <lhilton@meyerwilson.com>; Bret Stanley <bstanley@kherkhergarcia.com>; Roopal Luhana <Luhana@chaffinluhana.com>; Beth Wilkins <Wilkins@chaffinluhana.com>; Michael Sweet <sweet@chaffinluhana.com>; Steven Cohn <cohn@chaffinluhana.com>; Roopal Luhana <Luhana@chaffinluhana.com>
Subject: Re: MDL 3084 - Letter re Uber's Obligations under Judge Cisneros' 1.9.24 Order & PTO5

Kyle, the Jan. 24 meet and confer was only an hour and touched on 2 key issues: Uber's failure to comply with Judge Cisneros' Jan. 9, 2024 Order; and Uber's obligation to confer with Plaintiffs per PTO 5 re custodial, non-custodial and other ESI sources per PTO No. 5. There were numerous unanswered questions including why Defendants have failed to comply with Judge Cisneros' Order.

While we understand you may need more time for other ESI issues (beyond the 2

...time we understand you may need more time for either. For reasons (see the 2 weeks we provided), Defendants were required to comply with Judge Cisneros' Order by Jan. 16. You have still failed to do so. We intend to move before Judge Cisneros on this immediately.

Best,
Roopal

From: Smith, Kyle <ksmith@paulweiss.com>
Sent: Thursday, February 8, 2024 12:53 AM
To: Michael Sweet <sweet@chaffinluhana.com>; Phillips, Jessica E <jphillips@paulweiss.com>; Ray, Christine Mullen <cray@paulweiss.com>
Cc: Roopal Luhana <Luhana@chaffinluhana.com>; Sarah London <slondon@lchb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Marlene Goldenberg <mgoldenberg@nighgoldenberglaw.com>; Layne Hilton <lhilton@meyerwilson.com>; Bret Stanley <bstanley@kherkhargarcia.com>
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Michael: We wanted to touch base with you to confirm receipt of your letter following the lengthy meet and confer we had, and to confirm for you (as I'm sure you know already) that we are working on a response. The response may not be sent by February 9 but we do intend to respond as soon as we are able - - we anticipate next week if not by the 9th - - and we look forward to further productive discussions with you on these topics.

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From: Michael Sweet <sweet@chaffinluhana.com>
Sent: Monday, January 29, 2024 8:16 PM
To: Smith, Kyle <ksmith@paulweiss.com>; Phillips, Jessica E <jphillips@paulweiss.com>; Ray, Christine Mullen <cray@paulweiss.com>
Cc: Roopal Luhana <Luhana@chaffinluhana.com>; Sarah London <slondon@lchb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Marlene Goldenberg <mgoldenberg@nighgoldenberglaw.com>; Layne Hilton <lhilton@meyerwilson.com>; Bret Stanley <bstanley@kherkhargarcia.com>
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Good evening Counsel,

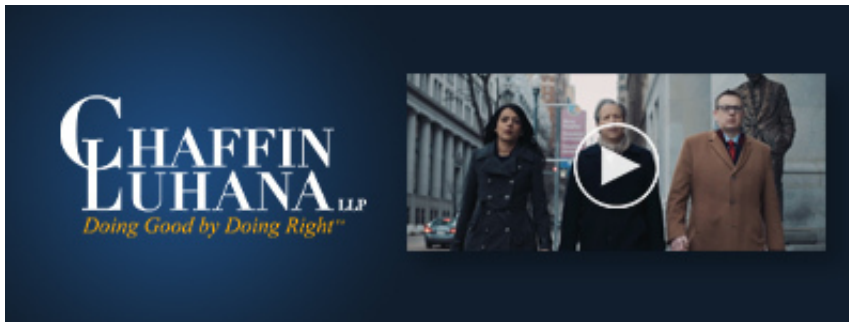
Please find the attached letter regarding Uber's obligations under Judge Cisneros' Jan. 9, 2024 Order & PTO5.

Thank you.

Michael

Michael Sweet*

Associate



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